

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

TINA MARIE SHELTON,

Plaintiff,

v.

ASHLEY LOWE, et al,

Defendants.

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CIVIL ACTION NO. 1:17-CV-193-RC

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

The court referred this case to the Honorable Zack Hawthorn, United States Magistrate Judge, for pre-trial proceedings pursuant to General Order 05-07. The court has received and considered Judge Hawthorn's report and recommendation (Doc. No. 16), filed on July 19, 2017, which recommends granting "Defendants' Motion to Dismiss" (Doc. No. 7) submitted by Ashley Lowe, Natishia Mallett, Jeffrey Woodward, David Jeffcoat, Demetria Edison, Brittany Narcisse, Jonathan Joseph, Lance Knod, Courtney Narcisse, Mary Rawlins-Gilder, Santorya Wells, Schuyler Levias, Christopher Carter, Virgil McMullin, Wayne Brewer, Todd Allen, FNU Chambers, FNU Manuel-Fontenot, FNU Wright, Robert Crossman, FNU Oliver, FNU Jackson, Caroline Herring, Eve Shelly, Billy J. Allen, Pedro Boykin, K. Fontenot, FNU Howard, RoShanda Poullard, James Cooper, and Lee Glass ("Defendants"). The magistrate judge also recommended that the Plaintiff, Tina Marie Shelton, be given an opportunity to amend her complaint.

Shelton has filed a "Response and Objections to Report and Recommendation." (Doc. No. 20). A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a *de novo* determination of those findings or recommendations to which the party

specifically objects. 28 U.S.C. § 636(b)(1)(c); FED. R. CIV. P. 72(b)(2)–(3). After conducting a *de novo* review of Judge Hawthorn’s report and recommendation, the court concludes that Shelton’s objections are without merit.

In Shelton’s “Response and Objections to Report and Recommendation Granting Motion to Dismiss,” it is unclear whether Shelton is specifically objecting to the report and recommendation or attempting to amend her complaint as allowed by the magistrate judge. (Doc. No. 20). To the extent her response is intended as objections to the report and recommendation, those objections are overruled. As the magistrate judge recommended, dismissal against the Defendants is proper because supervisors and coworkers are not liable under Title VII or the ADEA in their individual capacities. (Doc. No. 16, at 1). Shelton shall amend her complaint within fourteen (14) days of the date of this order to state a claim against the proper defendant.

It is, therefore, **ORDERED** that Shelton’s objections (Doc. No. 20) are **OVERRULED**, and Judge Hawthorn’s report and recommendation (Doc. No. 16) is **ADOPTED**. Shelton shall be allowed fourteen (14) days from the receipt of this order to formally amend her complaint to address the deficiencies described in Judge Hawthorn’s report regarding Shelton’s discrimination claims. The claims against Ashley Lowe, Natishia Mallett, Jeffrey Woodward, David Jeffcoat, Demetria Edison, Brittany Narcisse, Jonathan Joseph, Lance Knod, Courtney Narcisse, Mary Rawlins-Gilder, Santorya Wells, Schuyler Levias, Christopher Carter, Virgil McMullin, Wayne Brewer, Todd Allen, FNU Chambers, FNU Manuel-Fontenot, FNU Wright, Robert Crossman,

FNU Oliver, FNU Jackson, Caroline Herring, Eve Shelly, Billy J. Allen, Pedro Boykin, K. Fontenot, FNU Howard, RoShanda Poullard, James Cooper, and Lee Glass are **DISMISSED WITH PREJUDICE**.

So **ORDERED** and **SIGNED** this **21** day of **August, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge